IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL NO.736 OF 1999
IN
WRIT PETITION NO.1631 OF 1983

The Municipal Commissioner
of Greater Bombay & Anr. .... Appellants
Vs.
Hari Shankar Hingu Mishra
& Ors. .... Respondents

Ms A.R. Joshi for the Appellants.

Sarvasri S.L. Kanuga h/f S.P. Kanuga for
the Respondent Nos.1 to 3.

Shri Rajiv J. Mane, AGP, for the Respondent
Nos.4 and 5.

CORAM: R.M.S. KHANDEPARKAR &
D.G. KARNIK, JJ.

DATED: JUNE 06, 2007

P.C:

When the matter had come up for hearing on 29-3-2007, the Court was informed that the Advocate for the respondent Nos.1 and 2 under his letter dated 23-3-2007 had informed the Advocate for the appellants that the respondent Nos.1 and 2 had expired and time was taken to take appropriate steps to bring the legal heirs on record. It was also informed on that day that the letter dated 23-3-2007 discloses that the respondent No.1 had expired on 7-4-2004. However, the date of death of the respondent No.2 was not revealed. In any case, since no legal heirs of the respondent No.1 have

been brought on record who expired on 7-4-2004, the appeal abates as far as the respondent No.1 is concerned. Since the impugned order is not severable as such as far as the respondent No.1 is concerned, the appeal, therefore, stands abated against all the respondents. Order accordingly.

(D.G.Karnik, J.) (R.M.S.Khandeparkar, J.)

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